

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NESTOR GOMEZ-ORTA,

Defendant.

4:22-CR-3142

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Preliminary Order of Forfeiture ([filing 142](#)). The indictment in this case ([filing 1](#)) charged the defendant with conspiring to possess and distribute methamphetamine and fentanyl in violation of [21 U.S.C. §§ 841 and 846](#). The indictment also contained a forfeiture allegation seeking the forfeiture, pursuant to [21 U.S.C. § 853](#), of \$3,873.00 in United States currency seized on or about April 25, 2022, from the residence at 408 Rimpley Lane, Lexington, Nebraska 68850, on the basis that the money was used to facilitate the commission of the offense and was derived from proceeds obtained, directly or indirectly, as a result of committing the offense. [Filing 1 at 5](#).

The defendant has pled guilty to the crime alleged and conceded the forfeiture allegation. [Filing 102 at 1](#); [filing 121 at 18](#). By virtue of pleading guilty to the charge and conceding the forfeiture allegation, the defendant has forfeited his interest in the property, and the plaintiff should be entitled to possession of the property pursuant to [21 U.S.C. § 853](#). Therefore, the plaintiff's motion for preliminary order of forfeiture is granted.

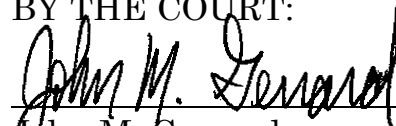
IT IS ORDERED:

1. The plaintiff's Motion for Preliminary Order of Forfeiture ([filing 142](#)) is granted.
2. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the information, the plaintiff is authorized to seize the sum of \$3,873.00 in United States currency.
3. The defendant's interest in that property is forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [21 U.S.C. § 853\(n\)\(1\)](#).
4. The property is to be held by the plaintiff in its secure custody and control.
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the plaintiff shall publish for at least thirty consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and relief sought.
7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 18th day of October, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
Senior United States District Judge